

SPECIAL MEETING
City of Annapolis
Alcoholic Beverage Control Board
April 21, 2010

A Special Meeting of the Alcoholic Beverage Control Board of the City of Annapolis was held on April 21, 2010 in the City Council Chamber. Chair Charles M. Grayston called the meeting to order at 3:15 p.m.

Present: Chair Charles M. Grayston, Vice Chair Leonard Berman, Members Elizabeth Finkle, Lawrence Harris, Jr.

Absent: Gerald Everett

Staff: City Attorney Karen Harwick, Assistant City Attorney Gary Elson

Without objection, the order of the agenda was amended to allow for a Business and Miscellaneous item to be heard.

BUSINESS AND MISCELLANEOUS

- **EASTPORT VOLUNTEER FIRE CO – Renee Franklin**

Request for Special Class C, One Day Liquor License with consumption of alcoholic beverages on City Property

Applicant, Renee Franklin was present and answered questions addressed by the Board.

Member Harris moved to approve the request for a Special Class C, One Day Liquor License with consumption of alcoholic beverages on City Property by Renee Franklin at the EASTPORT VOLUNTEER FIRE CO., 914 Bay Ridge Avenue, from 5:00 p.m. to 9:00 p.m. on May 1, 2010, Seconded. CARRIED on voice vote.

The order of the agenda resumed.

PROTEST HEARING

- **ACME BAR & GRILL**

Protest against the Renewal of Acme Bar & Grill 2010 Liquor License

Samuel J. Brown, Hillman, Brown & Darrow, 221 Duke of Gloucester Street, Annapolis, Maryland 21401, attorney for the licensees, on behalf of the licensees addressed the Board.

Christopher D. Buck, Buck, Migdal & Myers, 23 West Street, Annapolis, Maryland 21401, also representing the licensees, was present.

Licensees, Joan R. Murphy, Kevin Epley and John Crabtree were present.

Gilbert Renaut, 115 Monticello Avenue, Annapolis, Maryland 21401, attorney for the protestants, addressed the Board moving for a postponement citing the late delivery of evidence subpoenaed from the Annapolis Police Department. Mr. Brown objected saying he had obtained the evidence in a timely fashion through his own efforts and Mr. Renaut could have done the same.

Without objection the Chair denied Mr. Renaut's motion for postponement.

A motion submitted before the hearing by Mr. Renaut requested relief from the protestants subpoenas.

The Chair called a recess at 3:45 p.m. for the purpose of consulting with the City Attorneys in respect to Mr. Renault's motion.

The hearing resumed at 4:05 p.m.

Moving forward on the issue of residency and taxpayer status, Chair Grayston asked Mr. Renault if he would make a proffer on behalf of the residents. However, Mr. Renault argued that Article 2B does not address residency and taxpayer status.

Chair Grayston advised Mr. Renault that the State Code does not require taxpayer status, but the Alcoholic Beverage Control Board Rules do, and they prevail. Mr. Renault respectfully objected to the rule for the record.

Chair Grayston entered the following into the record:

Exhibit # R-1: Peggy Summers Documents: Land Records, Affidavit, Deed, Property Tax Assessment Records

Exhibit # R-2: Patricia Herban Documents: Property Tax Assessment Records, Property Tax Records, Deed, Land Records

Exhibit # R-3: Protest Petition

Following further arguments regarding the residency of Peggy Summers, Mr. Renault offered to voluntarily withdraw the protest.

Assistant City Attorney Elson asked Mr. Renault if he was stipulating that the protest was invalid. Mr. Renault's response was no.

Mr. Brown then argued that if a protest is properly filed, it cannot be withdrawn by any party and must be heard, citing *Pridgeon v. Board of License Commissioners*. However, if not filed in accordance with Article 2B, then the protest should be summarily dismissed. Although Mr. Renault declined to stipulate that the protest was invalid because of unresolved questions in respect to Ms. Summers residency, the Chair ruled without objection that Mr. Brown made a case for an invalid protest and dismissed the protest. He then ordered issuance of the renewal license.

Assistant City Attorney Elson will provide a written decision.

Without objection, the meeting was adjourned at 4:25 p.m.

Theresa Bucalo
Deputy City Clerk